

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

4:18CR3053

vs.

MATTHEW A. NELSON,

Defendant.

DETENTION ORDER

UNITED STATES OF AMERICA,

8:09CR392

Plaintiffs,

vs.

MATTHEW A. NELSON,

Defendant.

On July 17, 2019, a Petition for Action on Conditions of Pretrial Release was filed against the defendant in 4:18CR3053, (4:18CR3053, Filing No.53); and a Second Petition for Offender under Supervision was filed in 8:09CR392, (8:09CR392, Filing No. 135). As to both cases, Defendant bears the burden of proving, by clear and convincing evidence that Defendant will appear at court proceedings and will not pose a danger to the safety of any person or the community if released. 18 U.S.C. § 3143 (a) and Fed. R. Crim. P. Rule 32.1(a)(6).

Based on the evidence the court finds credible and the court's records, the court finds the defendant violated his conditions of pretrial release (18:CR3053) by failing to promptly advise his supervising officer of his employment termination and his eviction from Oxford House. I further find the defendant has failed to

meet his burden of proving, by clear and convincing evidence, that he does not pose a risk of flight or danger to the community is released.

Defendant was evicted from the Oxford House due to numerous rules violations (including the presence of drugs and drug paraphernalia) occurring at the House while Defendant served as its president, failed to tell his supervising officer where he was residing for at least a week following the eviction, stayed with a known methamphetamine user the night after his eviction, failed to report for required drug testing, failed to report to his probation officer as directed, and was terminated from his employment at AA Pallet Company for excessive tardiness and absences but failed to promptly advise his supervising officer of the termination.

Accordingly,

IT IS ORDERED:

- 1) The above-named defendant shall be detained until further order.
- 2) Defendant is committed to the custody of the Attorney General for confinement in a corrections facility; the defendant shall be afforded reasonable opportunity for private consultation with counsel; and on order of a court of the United States, or on request of an attorney for the government, the person in charge of the facility shall deliver Defendant to a United States Marshal for appearance in connection with a court proceeding.

August 12, 2019.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge